

## MEMORANDUM

To: Environmental Quality/Land Use Committee

From: Steve M. Hundley, AICP, Zoning Administrator

Via: Brandol Harvey, Chief of Planning

Date: August 13, 2004

Subject: SUP 04-004 – 206 Washington Street – Jason Boyle, Amendment to SUP for General Office use

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## SUMMARY OF REQUEST

**Request:** Amendment to Special Use Permit for General Office use.

**Existing SUP:** Resolution 4-B-86 (adopted 4/8/86) for General Office use.

**Variance:** BZA Case # 032186 (approved 4/8/86) Alley use for other than single family dwelling use.

**Applicant/owner:** Jason Boyle.

**Property Location:** 206 Washington Street.

**Tax Parcel Number:** 256- 6 sec. 5 1A

**Lot Size:** 15,000 square feet (.34 acres).

**Zoning of the Property:** OTR, Old Town Residential.

**Surrounding Zoning:** OTR and OTR with SUP.

**Present Use of Properties:** General Office use.

**Surrounding Uses:** North, west, and northeast (across Bicentennial Greenway):  
Single family, detached use.  
Southwest, and east & southeast (across Washington St.):  
General Office use with SUP.

**Neighborhood Meeting:** 7:00 p.m., August 11, 2004.

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## **BACKGROUND**

Jason Boyle, the owner, is requesting an amendment to an existing Special Use Permit (SUP) in order to add a 1,200 square foot office addition. A SUP was originally granted for Office use in 1986 (Resolution 4-B-86, adopted April 8, 1986) when the property was zoned Central Residential. The approved SUP is contingent on the following ten conditions:

1. "This land shall be used only for professional or Virginia Tech offices, or both.
2. A variance shall be granted by the Board of Zoning Appeals for the use of the alley as access.
3. The parking lot shall be reduced in size to eleven spaces plus the two spaces in front of the garage.
4. Double staggered rows of screening shall be planted along the parking lot on the Otey Street side and, if possible, on the north side of the parking lot.
5. A landscaping plan shall be submitted that compensates for any mature trees removed and improves the aesthetics of the property.
6. The office hours of operation shall be restricted to 8:00 a.m. through 6:00 p.m. each day.
7. No Virginia Tech classes shall be held on the property.
8. Any necessary (as determined by Town) sanitary sewer easements shall be granted by the applicant as part of the final site plan review by formal deed of conveyance, prepared at applicant's expense.
9. An acceptable stormwater management plan shall be submitted by the applicant for approval as part of the final site plan.
10. Parking shall be limited to the parking lot area and garage."

In compliance with condition number two (above) the Board of Zoning Appeals granted a variance (BZA case 032186) to the property for public alley use for other than single family dwelling use. The alley provides vehicle ingress and egress to a thirteen-space parking lot and a garage located behind the structure in compliance with conditions number three and ten (above). This section of the alley was developed by the Town as a section of the Bicentennial Greenway Trail subsequent to the variance approval.

The proposed General Office use expansion adds 1,200 square feet of gross floor area to the existing 2,500 square foot structure, for a total of 3,700 square feet of office space. The single-story addition is to be located on the rear side of the two-story, clapboard and stone, Tudor Revival style structure. A 13-foot section of the proposed addition will be visible from Washington Street. The current and proposed use is for Virginia Tech offices in compliance with conditions one and seven (above). The property is located in the Downtown Planning Sector of the Comprehensive Plan and the Downtown neighborhood. The tract is located two blocks southwest of South Main Street, on the southwest corner of Washington Street and the Bicentennial Greenway Trail.

The criteria to be considered in evaluation of an amendment to a Special Use Permit are set forth in Section 1181(b) General Standards, as follows:

“No special use permit shall be issued except upon a finding of the Town Council that in addition to conformity with any standards set forth in this chapter, the proposed special use conforms with the following general standards. These standards shall be met either by the proposal made in the original special use permit application, or by the proposal as modified or amended as part of the review of the application by the Commission and the Town Council:”

1. “The proposal as submitted or modified shall conform to the Comprehensive Plan of the Town, or to specific elements of the plan, and to official Town policies adopted in relation thereto, including the purposes of the Zoning Ordinance.”
2. “The proposal as submitted or modified shall have a minimum adverse impact on the surrounding neighborhood or community. Adverse impact shall be evaluated with consideration to items such as, but not limited to, traffic congestion, noise, lights, dust, drainage, water quality, air quality, odor, fumes and vibrations. In considering impacts, due regard shall be given to the timing of the operation, site design, access, screening, or other matters which might be regulated to mitigate adverse impact.”

### **NEIGHBORHOOD MEETING**

A neighborhood meeting was held at 7 p.m., August 11, 2004. Mr. Jason Boyle, the applicant/owner, and two citizens attended the meeting. The attendees reside at 204 Washington Street, located across the Bicentennial Greenway Trail. As a single family home, the residents are permitted by right to use the alley/trail for vehicle access to their property. The attendees’ only concern is that the required buffer fence may be an impediment to vehicle ingress and egress between the trail and their back yard due to restricted turning radius. While this could be a problem initially, widening or reorienting the backyard fence and gate would correct the problem.

### **COMPREHENSIVE PLAN**

The proposed addition is located in the Downtown Planning Sector and in the Downtown neighborhood as identified in the Comprehensive Plan. The Future Land Use Map identifies the proposed site as Mixed Use land use. The definition of Mixed Use is “*Business/professional offices, institutional, studios, gallery/museum, crafts, specialty shops, bed & breakfast, clusters of transitional residential housing.*”

A Critical Issue in the Downtown Planning Sector deserving consideration with regard to the proposed amendment “*...is a desire to preserve single-family residential character while incorporating limited commercial uses. The residential areas surrounding the downtown have felt the pressure of commercial growth for many years. There is a desire to expand limited commercial enterprises beyond current zoning lines, but in a fashion that maintains the desirability and character of the residential areas. Special use permits in this area should be closely scrutinized to ensure that the historic, pedestrian nature of the area is preserved or enhanced and not undermined.*”

A related Critical Issue in the Downtown Planning Sector is *“the challenge to ensure that the established neighborhoods...maintain their attraction to families and owner occupants.”* A Critical Neighborhood Issue for the Downtown sector is that the *“conversion of residential properties to commercial uses is a difficult issue that concerns neighborhood residents. Careful monitoring of the effects of... permitting ‘special uses’ only when the use would add to the character of the area are critical land use tools that can either protect or erode the residential nature of the neighborhood.”*

Another Critical Issue for this sector is that the *“growth of the Virginia Tech office uses off-campus has been a trend over the past two decades. This growth has provided opportunities for the use of under utilized commercial space and for the conversion of residential sites to low intensity office uses.”*

The Bicentennial Greenway Trail is a Unique Characteristic of this sector that is recognized in the Comprehensive Plan. *“Trails and open space play a significant role in the aesthetic charm and pedestrian orientation of the downtown. The Huckleberry Trail enters the downtown area at the public library, then converts into the Bicentennial Trail in Bicentennial Square... adjacent to the police station.”* The Bicentennial Gateway Trail is a *“...pedestrian gateway... to College Avenue.”* A Critical Issue recognized in the Plan is the *“...strong community support for the retention of open space and greenway areas. The downtown area has a strong pedestrian orientation. Open space and greenway connections provide visual and physical resting points, enhancing the aesthetic experience, and making the area more desirable in general.”*

## **ZONING ORDINANCE**

“General Office” use is defined in Section 2103 Definition of Terms and Use Types as *“Use of a site for business, professional, or administrative offices, excluding medical offices. Typical uses include real estate, insurance, management, travel, computer software or information systems research and development, or other business offices; organization and association offices; or law, architectural, engineering, accounting or other professional offices. Retail sales do not comprise more than an accessory aspect of the primary activity of a General Office. VPI&SU offices shall not house any regularly-scheduled classes.”*

**Old Town Residential District** - The OTR district (Section 3060) is *“created in recognition that those areas adjacent to campus and the downtown are experiencing pressures for transition to commercial or high density residential use. These areas are the historic heart of the Town and lend much of its small-town character and unique architecture and pattern. The OTR district is intended to retain and protect the character while allowing broad special use which ease the transition from commercial and campus to residential. The district is designed for a low and medium density residential base, with small scale office, commercial and retail uses in the renovated or replicated housing, a dynamic mix of uses linked by a common historic residential character.”*

The proposed amendment is evaluated on applicable criteria of the District Standards, Use and Design Standards, and Development Standards of the Zoning Ordinance.

**District Standards** – The proposal, as presented, complies with OTR zoning district development standards for minimum lot area, lot frontage, lot coverage, floor area ratio (FAR), setbacks, and height. (Division 6, Section 3062). The proposed addition increases lot coverage and FAR. The maximum permitted lot coverage in the OTR district is 50 percent. At present the lot coverage is 5,245 square feet or 35 percent lot coverage. With the proposed addition and the removal of the garage, the lot coverage equals 6,759 square feet or 44 percent lot coverage. The maximum permitted FAR in the OTR district is .30. At present the gross floor area of the office is 2,500 square feet; a FAR of .16. With the addition, the gross floor area increases to 3,700 square feet; an FAR of .25.

**Use and Design Standards** –

The proposal complies with the Use and Design, General Standards [Section 4420(a)] for General Office use. Exterior lighting is not proposed. The applicant proposes to continue use of the Bicentennial Greenway Trail for vehicle ingress and egress as permitted by the BZA variance that was granted as a condition of the original SUP.

No complaint or concern has been filed regarding the safety, efficient traffic circulation or negative impacts on the neighborhood with regard to alley use. However, the 14 foot wide Bicentennial Greenway trail access does not comply with the 20 foot width requirement for a two-way driveway. **The Committee may wish to condition approval of the SUP amendment on the construction of a driveway on the southwest side of the building from Washington Street to the parking lot.** This condition would require the applicant to abandon the use of the Bicentennial Greenway Trail for ingress and egress. Adding a driveway to the property would require the following:

- Removal of a mature street tree and several mature screening scrubs.
- Removal of a section of stonewall from the house façade.
- Removal of a decorative stone pond.
- Increasing lot coverage, probably exceeding the maximum allowed.
- Increasing the number of vehicle access points on Washington Street.

The proposal and originally submitted site plan complies with all but one of the additional Use and Design Standards for General Office use in the OTR district [Section 4420(b) & (c)]. No exterior changes are proposed that would be nonresidential in character. Since the property has been in General Office use for approximately 18 years, the applicant has demonstrated compatibility with the neighborhood particularly with regard to traffic circulation, parking, and appearance. No complaints have been recorded with regard to the use. The scale, massing and design of the proposed building addition are compatible with the surrounding neighborhood and consistent with the architecture and historic character of the existing structure. No new signage is proposed.

The originally submitted site plan did not comply with OTR specific Use and Design Standards for buffer yards. A revised site plan, dated August 13, 2004 (attached),

provides the required buffer yards. Section 4420 (b) (2) states “*a general office which adjoins an... OTR,... zoning district shall have a type A buffer yard behind the front line of the principal building.*” A type A buffer is a 10 foot wide yard with a 4 foot tall architectural screen and small evergreen trees or a 20 foot wide yard with small evergreen trees and one row of small evergreen shrubs. The existing screening and buffer along the southwest side yard boundary may partially comply or exceed type A standards. This buffer area provides a 6 foot tall stockade fence screen along a 100 foot portion of the buffer area and mature evergreen trees along the remainder of the buffer.

Neither the rear yard boundary nor the rear corner boundary adjacent to the Bicentennial Greenway Trail comply with the type A buffer width standards. **The applicant requests an exception to permit a modified buffer along the rear yard boundary due to the location of the existing parking lot. The modification would consist of an 8 foot wide buffer yard along the rear property line and a 4 foot wide buffer adjacent to the Bicentennial Trail in the rear corner of the lot.**

**Development Standards** – The proposal complies with applicable Development Standards regarding Off Street Parking, Landscaping, Signs, and Exterior Lighting. Off Street Parking [Division 2] complies with the required minimum as follows: Off-street parking spaces required for a “General Office” is one space per 400 square feet of gross floor area devoted to the use. The total gross floor area proposed, to include the addition, is 3,700 square feet. Therefore, 10 parking spaces are required. The existing parking lot consists of 11 spaces. At least one space shall be marked for ADA handicapped use.

**Adverse Impacts** – The proposed addition is expected to add minimal adverse impacts due to noise, parking, odors, outside storage, or exterior lights. The Committee may wish to consider whether the proposed addition will increase traffic on the Bicentennial Greenway Trail/public alley, and whether such increase is a significant negative impact on adjacent property, the zoning district and/or the Town.

## CONCLUSION

Approval of a Special Use Permit is a discretionary decision of the Town Council. The application is evaluated on conformance with the Comprehensive Plan and to official Town policies, including the purposes and development requirements of the Zoning Ordinance regarding General Office use in the OTR district. In addition, the special use application is evaluated on minimum adverse impact on the surrounding neighborhood or community.

The proposal appears to be consistent with both the Comprehensive Plan’s Future Land Use map and addresses Critical Issues and Unique Characteristics of the Planning Sector involved. The submitted application and revised site plan appear to comply with the Town Zoning Ordinance District Standards, Use and Design Standards and Site Development Standards.

There does not appear to be significant negative impacts on adjacent properties, the zoning district, or the Town. However, the Committee may wish to consider whether the proposed addition will increase traffic on the Bicentennial Greenway Trail/public alley, and whether such increase is a substantial negative impact on adjacent property, the zoning district or the Town.

Attachments: Revised site plan, dated 8-13-04

Photo, front façade of current structure

Photo, right side profile, computer rendering of addition

**Questions for Planning Commission consideration:**

1. Is the proposed amendment consistent with the purpose of the OTR district?
2. Is the proposed amendment consistent with the use and design standards for “General Office” use?
3. Is the proposed amendment consistent with the Vision for the Downtown Planning Sector?
4. Is the proposed amendment consistent with the Mixed Use future land use designation?
5. Will the proposed amendment cause a negative impact on Washington Street? On the Bicentennial Greenway Trail? On adjacent property? On the Old Town Residential District?
6. Does the proposed amendment serve to preserve or enhance the pedestrian nature of the area?

## MEMORANDUM

To: Planning Commission

From: Steve M. Hundley, AICP, Zoning Administrator

Via: Brandol Harvey, Chief of Planning

Date: September 2, 2004

Subject: Updated Staff Report, SUP 04-004 – 206 Washington Street – Jason Boyle, Amendment to SUP for General Office use

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The attached revised concept plan (dated 9/1/04) depicts the recommendations of the Environmental Quality and Land Use Committee meeting of August 16, 2004. The Committee made the following recommendations:

- 1.) Exception to the required Type A buffer in the rear yard and the north-east side yard of the property.
- 2.) Install additional landscape plantings around the foundation of the structure addition.
- 3.) Locate stairway on the rear of the proposed addition.
- 4.) Install additional landscaping, as depicted, on the west side of the property adjacent to the existing 6 foot tall screening fence.

## CONCLUSION

The revised plan demonstrates consistency with the EQ/LU Committee's recommendations for modifications to the buffer yards, landscaping and location of the stairway. The plan appears to comply with the Town Zoning Ordinance District Standards, Use and Design Standards (with recommended exceptions and modifications) and Site Development Standards.

There does not appear to be significant negative impacts on adjacent properties, the zoning district, or the Town.

Attachments: Revised site plan, dated 9-1-04